

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG ELECTRONICS, INC.,
Petitioner,

v.

CONSTELLATION DESIGNS, LLC,
Patent Owner.

Case No. IPR2023-00320
U.S. Patent No. 11,019,509

**PATENT OWNER'S LIMITED *FINTIV* PAPER IDENTIFYING
RELEVANT EVIDENCE**

TABLE OF EXHIBITS

Exhibit	Description
2001	Declaration of Dr. Giuseppe Caire
2002	RESERVED
2003	U. Madhow, <i>Fundamentals of Digital Communication</i> , Cambridge University Press 2008
2004	R.G. Gallager, <i>Principles of Digital Communication</i> , Cambridge University Press 2008
2005	Eroz et al., <i>New DVB-S2X constellations for improved performance on the satellite channel</i> , Int. J. Satell. Commun. Network 2016; 34:351–360, Published online 14 September 2015 in Wiley Online Library (wileyonlinelibrary.com)
2006	RESERVED
2007	N.S. Login et al., <i>Non-Uniform Constellations for ATSC 3.0</i> , IEEE Transactions on Broadcasting, Vol. 62, No. 1, March 2016
2008	P. Gill, W. Murry, M. Wright, <i>Practical Optimization</i> , Emerald Group Publishing Limited (1982)
2009	RESERVED
2010	RESERVED
2011	RESERVED
2012	Curriculum Vitae and Publication List of Dr. Giuseppe Caire
2013	RESERVED
2014	RESERVED
2015	Giuseppe Caire, Giorgio Taricco, and Ezio Biglieri, <i>Bit-Interleaved Coded Modulation</i> , IEEE Transactions of Information Theory, vol. 44, no. 3, May 1998 (“Caire”)
2016	RESERVED
2017	RESERVED
2018	Board's June 26, 2023 Email Authorizing Patent Owner Submission Of Limited <i>Fintiv</i> Paper
2019	District Court's 05-03-2023 Third Amended Docket Control Order - Jury Selection set for 7-5-2023 09-00AM
2020	Petitioner-Defendant LGs June 28 2023 Email Identifying Final Election Of Invalidity Theories And Prior Art In District Court
2021	LG's 03-14-2023 Final Election of Asserted Prior Art for District Court
2022	District Court's 04-04-2022 Docket Control Order

2023	District Court's 02-28-2023 Markman Order
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- ***Factor 1: Whether the court granted a stay or evidence exists that one may be granted if a proceeding is instituted.*** See, e.g., EX2019, District Court's Third Amended Docket Control Order, at page 1 entry for July 5, 2023 Amended Deadline for jury selection.
- ***Factor 2: Proximity of the court's trial date to the Board's projected statutory deadline for a final written decision.*** See, e.g., EX2019 at page 1 entry for July 5, 2023 Amended Deadline for jury selection.
- ***Factor 3: Investment in the parallel proceedings.*** See, e.g., EX2019 at pages 1-3, July 5, 2023 Amended Deadline for jury selection; EX2022, District Court's Docket Control Order of 4/4/2022, at page 3 entry for March 21, 2023 deadline to complete fact discovery and entry for April 25, 2023 deadline to complete expert discovery; EX2023, District Court's 2/28/2023 Markman Order.
- ***Factor 4: Overlap between issues raised in the petition and in the parallel proceeding.*** See, e.g., EX2020, Petitioner/Defendant LG's 6/28/2023 email identifying final election of invalidity theories and prior art in district court, at '509 Patent; EX2021, LG's Final Election of Prior Art, at 4.
- ***Factor 5: Whether the petitioner and the defendant in the parallel proceeding are the same party.*** See, e.g., EX2019 at 1; Paper 3 at 104.
- ***Factor 6: Other circumstances that impact the Board's exercise of discretion, including the merits.*** See, e.g., Paper 7.

Dated: June 29, 2023

Respectfully submitted,

/William A. Meunier/

William A. Meunier (Reg. No. 41,193)

Michael T. Renaud (Reg. No. 44,299)

Kevin C. Amendt (Reg. No. 69,361)

MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C.

One Financial Center

Boston, MA 02111

Telephone: 617-542-6000

Facsimile: 617-542-2241

E-mails: WAMeunier@mintz.com;

MTRenaud@mintz.com;

KCAmendt@mintz.com

CERTIFICATE OF SERVICE

I certify that copies of Patent Owner's Preliminary Response and accompanying Constellation Exhibits 2018 through 2023 are being served by electronic mail on the following counsel of record:

Lead Counsel

W. Karl Renner
(Reg. No. 41,265)
FISH & RICHARDSON P.C.
3200 RBC Plaza
60 South Sixth Street
Minneapolis, MN 55402
Telephone: (202) 783-5070
Facsimile: (877) 769-7945
Email: IPR19688-0197IP2@fr.com

Backup Counsel

Jeremy J. Monaldo (Reg. No. 58,680)
Usman Khan (Reg. No. 70,439)
Patrick Darno (Reg. No. 69,205)
FISH & RICHARDSON P.C.
3200 RBC Plaza
60 South Sixth Street
Minneapolis, MN 55402
Telephone: (202) 783-5070
Facsimile: (877) 769-7945
Email: PTABInbound@fr.com

Dated: June 29, 2023

/William A. Meunier/

William A. Meunier (Reg. No. 41,193)